EXHIBIT 10

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Bahr, Robert

From: Morse, Gregory
Sent: Wednesday, March 21, 2007 5:03 PM
To: Bahr, Robert

TDs in Cases by Ent n TC.xls   Data Response 3 21 07.doc

Let me know what else you need - I still need to get you issued claims over 5/25.

A05023

Data Request

1. For fiscal years 2005 and 2006, the number (by entity) of—
   nonprovisional applications (UPRs, including 371s **but not RCEs**) (including cons, divs, CIPS?),
   continuation applications,
   continuation-in-part applications,
   divisional applications, and
   RCEs.

All UPRD

	FY 2005	FY 2006
Nonprovisionals: (Includes CON/CIP/DIV, not RCE)		
Small e :	109,642	109,838
Non-small :	244,411	260,932
RCE/CPA/R129:		
Small e :	11,172	15,347
Non-small :	44.307	59,496
CONs		
Small e :	8174	8848
Non-small :	22726	23832
CIPs		
Small e :	8000	8031
Non-small :	7604	7657
DIVs		
Small e :	4111	4555
Non-small :	15075	16057

2. For fiscal year 2006, the number of FAOMs issued. (first actions taking cases out of "new case" status, or FAOMs that get a count? First actions take cases out of pending inventory)

First actions (UPRD):
2005 317,395
2006 343,640

3. For fiscal year 2006, the number (by entity) of—

   Applications containing more than 5 independent claims or more than 25 total claims (at filing, presumably, or at issue or allowance?)

At filing: 25% of small entities and 24% of non-small entities had more than 5/25. Since not all the serialized filings have claim data entered, a raw number that have this many in the database is misleading (318k/345k had data)

4. The number of applications in the backlog (as some date) and the number of applications in the backlog that contain (??) more than 5/25

As of 2/28/07, 708,321 UPR cases in the backlog. 29% of the non-small entity cases were over 5 or 25, and 30% of the small entity cases were over 5 and 25. Only about 95% have claims data, so misleading to give a raw number. In addition some cases other than the 95% have not yet been processed enough to determine large/small entity or claims.

5. For fiscal years 2000-2006, the number of applications (by entity) filed in each fiscal year in which a terminal disclaimer was filed (skewed results – TD often at end of prosecution – TDs filed with the app or within some time?)

Separate file.

6. The pendency (average) to FAOM in FY 2006 overall, in the biotech area, computer area, and business method area.

Pendency is reported to First action rather than FAOM.
UPR: 22.6 months
1600 (biotech): 23.5 months
2100 (computer): 30.8 months
3620 and 3690: business methods: 43.9 months (approximate – weighted average of the two groups, not directly reported. TC-level data are from annual report)

7. The number of examiners hired in fiscal years 2005 and 2006

	2005	2006
UPRD hires:	**978**	**1218**

8. The number of requests for pre-appeal brief conference (since inception), and number of applications in which the prosecutions were reopened after the conference. (decision at conference to reopen, or an action reopening that followed?)

Life of the program, there have been 7,967 conferences conducted as of 3/20/2007. 4,602 conferences resulted in a decision to proceed to the BPAI, and 3,228 conferences resulted in a decision to reopen or allow the application. The remainder identified the request as defective.

9. The number of appeal briefs filed after a pre-appeal brief conference and number of answers issued in those cases; and number of appeal briefs filed (without a pre-appeal brief conference) and number of answers issued in those cases.

Requests for a pre-appeal brief conference must accompany a notice of appeal.

For notices of appeal filed in the first half of fiscal 2006 (12,811), 2,947 were accompanied by a request for a pre-appeal brief conference. These resulted in 1,463 decisions to proceed to the BPAI at conference, 990 appeal briefs and 682 examiner's answers.

Of the 9,864 notices of appeal with no request for pre-appeal brief conference, 5,458 appeal briefs were filed and 2,267 examiner's answers were written.

10. How big will the corps be after hiring 1,200 examiner a year until 2012?

7,751 examiners UPR, 4,773 examiners UPR at the end of FY 06.

Large Entity

TC	FY 1999 Serialized Filings	FY 1999 Appls with 1+ TDs	FY 1999 Percent		FY 2000 Serialized Filings	FY 2000 Appls with 1+ TDs	FY 2000 Percent		FY 2001 Serialized Filings	FY 2001 Appls with 1+ TDs	FY 2001 Percent		FY 2002 Serialized Filings	FY 2002 Appls with 1+ TDs	FY 2002 Percent	
1600	17,866	1,591	8.9%		19,582	1,735	8.9%		23,712	1,645	6.9%		23,626	1,326	5.6%	
1700	29,138	2,119	7.3%		31,408	2,415	7.7%		35,136	2,879	8.2%		32,833	2,974	9.1%	
2100	14,515	984	6.8%		18,673	1,066	5.7%		23,036	1,204	5.2%		21,066	1,119	5.3%	
2600	25,416	1,096	4.3%		28,086	1,432	5.1%		32,059	1,581	4.9%		29,725	1,588	5.3%	
2800	40,805	1,631	4.0%		44,795	1,785	4.0%		52,583	2,006	3.8%		50,529	2,119	4.2%	
3600	16,178	715	4.4%		20,208	822	4.1%		26,342	925	3.5%		21,831	834	3.8%	
3700	20,387	1,243	6.1%		23,244	1,365	5.9%		28,694	1,718	6.0%		24,802	1,452	5.9%	
18100	164,305	9,379	0.418	0	185996	10620	0.413	0	221562	11958	0.386	0	204412	11412	0.392	0

TC	FY 2003 Serialized Filings	FY 2003 Appls with 1+ TDs	FY 2003 Percent		FY 2004 Serialized Filings	FY 2004 Appls with 1+ TDs	FY 2004 Percent		FY 2005 Serialized Filings	FY 2005 Appls with 1+ TDs	FY 2005 Percent		FY 2006 Serialized Filings	FY 2006 Appls with 1+ TDs	FY 2006 Percent		FY 2007 Serialized Filings	FY 2007 Appls with 1+ TDs	FY 2007 Percent
1600	21,722	810	3.7%		21,598	533	2.5%		20,987	311	1.5%		21,946	84	0.4%		10,310	2	0.0%
1700	33,214	3,391	10.2%		33,393	2,498	7.5%		33,403	1,153	3.5%		34,656	249	0.7%		14,555	2	0.0%
2100	21,291	1,033	4.9%		24,745	860	3.5%		25,841	590	2.3%		25,956	239	0.9%		10,829	6	0.1%
2600	29,459	1,269	4.3%		34,698	1,224	3.5%		41,671	1,118	2.7%		45,526	388	0.9%		20,452	6	0.0%
2800	51,350	2,412	4.7%		54,881	2,721	5.0%		60,414	2,327	3.9%		64,824	757	1.2%		29,288	10	0.0%
3600	21,868	904	4.1%		22,167	691	3.1%		22,627	518	2.3%		23,446	208	0.9%		10,909	1	0.0%
3700	25,208	1,293	5.1%		26,691	968	3.6%		27,380	525	1.9%		29,881	160	0.5%		14,260	0	0.0%
18100	204112	11112	0.371	0	218173	9495	0.287	0	232323	6542	0.18	0	246235	2085	0.055	0	110603		2E+06

Small Entity

TC	FY 1999 Serialized Filings	FY 1999 Appls with 1+ TDs	FY 1999 Percent		FY 2000 Serialized Filings	FY 2000 Appls with 1+ TDs	FY 2000 Percent		FY 2001 Serialized Filings	FY 2001 Appls with 1+ TDs	FY 2001 Percent		FY 2002 Serialized Filings	FY 2002 Appls with 1+ TDs	FY 2002 Percent	
1600	7,807	738	9.5%		9,150	803	8.8%		9,632	705	7.3%		12,383	655	5.3%	
1700	8,843	540	6.1%		8,988	526	5.9%		8,035	538	6.7%		9,877	651	6.6%	
2100	2,726	156	5.7%		4,890	205	4.2%		4,606	151	3.3%		5,269	239	4.5%	
2600	4,626	251	5.4%		5,955	320	5.4%		5,333	252	4.7%		6,800	306	4.5%	
2800	8,457	344	4.1%		9,876	374	3.8%		9,309	380	4.1%		12,223	534	4.4%	
3600	15,314	535	3.5%		18,673	615	3.3%		15,076	556	3.7%		18,025	548	3.0%	
3700	19,728	917	4.6%		20,232	980	4.8%		16,725	886	5.3%		21,743	1,019	4.7%	
18100	67,503	3,481	0.389	0	77764	3823	0.361	0	68716	3468	0.351	0	86320	3952	0.33	0

TC	FY 2003 Serialized Filings	FY 2003 Appls with 1+ TDs	FY 2003 Percent		FY 2004 Serialized Filings	FY 2004 Appls with 1+ TDs	FY 2004 Percent		FY 2005 Serialized Filings	FY 2005 Appls with 1+ TDs	FY 2005 Percent		FY 2006 Serialized Filings	FY 2006 Appls with 1+ TDs	FY 2006 Percent		FY 2007 Serialized Filings	FY 2007 Appls with 1+ TDs	FY 2007 Percent
1600	12,352	397	3.2%		12,130	293	2.4%		12,299	127	1.0%		12,239	24	0.2%		4,099	1	0.0%
1700	10,525	730	6.9%		10,712	549	5.1%		11,071	323	2.9%		10,643	51	0.5%		3,705	0	0.0%
2100	4,780	155	3.2%		5,136	121	2.4%		5,380	68	1.3%		5,682	27	0.5%		2,183	0	0.0%
2600	6,793	233	3.4%		7,369	229	3.1%		8,653	139	1.6%		9,162	69	0.8%		3,684	1	0.0%
2800	12,665	575	4.5%		13,401	619	4.6%		14,166	490	3.5%		14,983	172	1.1%		5,613	1	0.0%
3600	18,686	525	2.8%		19,363	520	2.7%		20,249	366	1.8%		19,537	145	0.7%		8,823	3	0.0%
3700	23,007	957	4.2%		24,175	672	2.8%		25,038	344	1.4%		24,906	106	0.4%		9,058	0	0.0%
18100	88788	3572	0.283	0	92286	3003	0.231	0	96856	1857	0.135	0	97154	594	0.042	0	35165	6	0.001

ALL Entity

TC	FY 1999 Serialized Filings	FY 1999 Appls with 1+ TDs	FY 1999 Percent		FY 2000 Serialized Filings	FY 2000 Appls with 1+ TDs	FY 2000 Percent		FY 2001 Serialized Filings	FY 2001 Appls with 1+ TDs	FY 2001 Percent		FY 2002 Serialized Filings	FY 2002 Appls with 1+ TDs	FY 2002 Percent	
1600	25,673	2,329	9.1%		28,732	2,538	8.8%		33,344	2,350	7.0%		36,009	1,981	5.5%	
1700	37,981	2,659	7.0%		40,396	2,941	7.3%		43,171	3,417	7.9%		42,710	3,625	8.5%	
2100	17,241	1,140	6.6%		23,563	1,271	5.4%		27,642	1,355	4.9%		26,335	1,358	5.2%	
2600	30,044	1,347	4.5%		34,041	1,752	5.1%		37,392	1,833	4.9%		36,525	1,894	5.2%	
2800	49,262	1,975	4.0%		54,671	2,159	3.9%		61,892	2,386	3.9%		62,752	2,653	4.2%	
3600	31,492	1,250	4.0%		38,881	1,437	3.7%		41,418	1,481	3.6%		39,856	1,382	3.5%	
3700	40,115	2,160	5.4%		43,476	2,345	5.4%		45,419	2,604	5.7%		46,545	2,471	5.3%	
18100	231,808	12,860	0.405	0	263760	14443	0.397	0	290278	15426	0.379	0	290732	15364	0.373	0

TC	FY 2003 Serialized Filings	FY 2003 Appls with 1+ TDs	FY 2003 Percent		FY 2004 Serialized Filings	FY 2004 Appls with 1+ TDs	FY 2004 Percent		FY 2005 Serialized Filings	FY 2005 Appls with 1+ TDs	FY 2005 Percent		FY 2006 Serialized Filings	FY 2006 Appls with 1+ TDs	FY 2006 Percent		FY 2007 Serialized Filings	FY 2007 Appls with 1+ TDs	FY 2007 Percent
1600	34,074	1,207	3.5%		33,728	826	2.4%		33,286	438	1.3%		34,185	108	0.3%		14,409	3	0.0%
1700	43,739	4,121	9.4%		44,105	3,047	6.9%		44,474	1,476	3.3%		45,299	300	0.7%		18,260	2	0.0%
2100	26,071	1,188	4.6%		29,881	981	3.3%		31,221	658	2.1%		31,638	266	0.8%		13,012	6	0.0%
2600	36,252	1,502	4.1%		42,067	1,453	3.5%		50,324	1,257	2.5%		54,688	457	0.8%		24,136	7	0.0%
2800	64,015	2,987	4.7%		68,282	3,340	4.9%		74,580	2,817	3.8%		79,807	929	1.2%		34,901	11	0.0%
3600	40,534	1,429	3.5%		41,530	1,211	2.9%		42,876	884	2.1%		42,983	353	0.8%		17,732	4	0.0%
3700	48,215	2,250	4.7%		50,866	1,640	3.2%		52,418	869	1.7%		54,789	266	0.5%		23,318	0	0.0%
18100	292900	14684	0.345	0	310459	12498	0.271	0	329179	8399	0.167	0	343389	2679	0.051	0	145768	33	0.002

Bahr, Robert

From: Morse, Gregory
Sent: Thursday, March 22, 2007 12:34 PM
To: Bahr, Robert
Subject: Re:

Before you say that, let me check how many are in the early stages of processing. Ninety pct of cases that get through OIPE have claim data.

----- Original Message -----
From: Bahr, Robert
To: Morse, Gregory
Sent: Thu Mar 22 12:31:09 2007
Subject: RE:

WRT--

4. The number of applications in the backlog (as some date) and the number of applications in the backlog that contain (??) more than 5/25

As of 2/28/07, 708,321 UPR cases in the backlog. 29% of the non-small entity cases were over 5 or 25, and 30% of the small entity cases were over 5 and 25. Only about 95% have claims data, so misleading to give a raw number. In addition some cases other than the 95% have not yet been processed enough to determine large/small entity or claims.

Any objection to me saying--

Of the applications currently awaiting examination for which claims data is available in PALM (which is over ninety percent of such applications), about thirty percent contain more than five independent claims or more than twenty-five total claims.

-----Original Message-----
From: Morse, Gregory
Sent: Wednesday, March 21, 2007 5:03 PM
To: Bahr, Robert
Subject:

Let me know what else you need - I still need to get you issued claims over 5/25.